

EXHIBIT A

 **ORIGINAL**

Volume: I
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO.: 03-CV-12359 MLW

CIRIACO PUCILLO,)
Plaintiff,)
vs.)
METSO PAPER, INC., and)
VALMET CONVERTING, INC.,)
Defendants.)

DEPOSITION OF ROBERT PAUL LANGLEY,
called as a witness by and on behalf of the
Defendant, Valmet Converting, Inc., pursuant to the
applicable provisions of the Federal Rules of Civil
Procedure, before Donna M. DiCarlo, Registered
Professional Reporter and Notary Public in and for
the Commonwealth of Massachusetts, taken at Proma
Technologies, 24 Forge Park, Franklin,
Massachusetts, on Friday, December 3, 2004,
commencing at 1:03 p.m.

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APPEARANCES:

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~~On behalf of the Plaintiff.~~

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On behalf of the Defendant,
Valmet Converting, Inc.

ALSO PRESENT:

Nancy P. Johnson, PHR
Human Resources Manager
Proma Technologies

Frank H. Sereno, President

1 Q. On occasion does the maintenance
2 department remove a drive for the purposes of
3 inspection and then put it back?

4 A. No.

5 Q. So --

6 A. Well, if you're having a problem with it
7 -- no. They wouldn't, no.

8 Q. If you thought you were having a problem
9 with the drive, would you take it out to look at
10 it?

11 A. They just swap it out and put another one
12 in.

13 Q. So the only reason that anyone touches
14 these drives is to replace them; is that right?

15 A. I guess there might be diagnostics on
16 these drives that they can check. I know there's
17 key pads where they can check, and a drive will
18 tell them if there is a problem. But I'm not
19 really, you know, enough technically inclined to
20 answer any real specific stuff.

21 Q. Who would be the person who would more
22 often than not do that type of work for the Atlas
23 Slitter?

24 A. One of the electronic technicians.

1 Q. And would that person's name change over
2 the years from time to time or was there more than
3 one person?

4 A. No. There's more than one person. Well,
5 we had five electricians. I got four now, or three
6 now.

7 Q. Now being in 2004, right?

8 A. Yes.

9 Q. So between 1993 and 2004, is there a
10 turnover among electricians?

11 A. Oh, yeah. We've let go of, what, three or
12 -- three maybe, three or four. There has been a
13 turnover.

14 MS. JOHNSON: Two.

15 THE WITNESS: No. I think it's more
16 than that.

17 Q. Are there records that would show when
18 diagnostics were performed on the drives?

19 A. We have a call-in list, I believe, that we
20 keep when there is a problem on the machine.
21 They'll write down what the problem is and they'll
22 identify who the person is and what he did on the
23 machine.

24 Q. And how far back does that record go; do

1 A. Yes.

2 Q. But it wouldn't necessarily show us every
3 time a drive change was made?

4 A. That's correct.

5 Q. So it would be a subset of the overall
6 number of times a drive was changed?

7 A. Yes.

8 Q. The next sentence says, We purchased an
9 average of one board per year and kept three in
10 inventory to cover for the times when one is sent
11 for repair.

12 That one board per year, is that your
13 estimate of how often boards were purchased?

14 A. I believe it was.

15 Q. And this says three in inventory?

16 A. Actually, it's two. We might have had
17 three at the time that the letter was written.

18 Q. So over the course of time, there might be
19 a different number of drives on the shelf waiting
20 and available?

21 A. Correct.

22 Q. And so when you said earlier you bought
23 some spares early on after the machine was first
24 installed to have those spares, you drew down from

1 that stockpile to put them in the machine; is that
2 right?

3 A. Right.

4 Q. ~~So it's not like you've always had a set~~
5 number of spares available in storage?

6 Here is what I'm trying to figure out.
7 I'm trying to figure out if the machine has been
8 here now ten years or more and there is two or
9 three in storage, does that mean you bought ten or
10 twelve of them over the course of ten years,
11 roughly?

12 A. Roughly. I couldn't -- I really --

13 Q. You don't know. You can surmise and guess
14 as much as I can from the document.

15 A. Yes.

16 Q. But there is no records that would show us
17 when they were purchased --

18 A. I have some but not all.

19 Q. And the ones that you have are in your
20 office?

21 A. Yes.

22 Q. What type of documentation is that?

23 A. It's a purchase requisition.

24 Q. And I'll tell you that several months ago,

1 a subpoena was served on Proma Technologies for
2 documentation like that, and we did receive some
3 purchase requisitions. Did they come from you?

4 A. I believe so.

5 Q. Other than what you provided to whomever
6 you gave it to with regard to the subpoena, are
7 there other records that would show purchase
8 requisitions?

9 A. Not that I know of.

10 Q. I will tell you that most of those
11 requisitions occurred, that documentation was from
12 the year 2000 or later. Do you know if there is
13 documentation with regard to 1993 to 1999 or 2000?

14 A. I believe I gave them everything that I
15 could dig up.

16 Q. Let's talk about the drives when they're
17 received by Proma Technologies or Van Leer.

18 Well, let me back up. I'm going to ask
19 you now a series of questions about when the drives
20 come in, what do you do with them, where do you
21 keep them, how do you put them in. Does it make a
22 difference which time period I ask you about? Was
23 it different for Van Leer than it is with Proma
24 Technologies?

1 A. No.

2 Q. So from '93 until now or '92 until now
3 when the machine was first put it in, it's the same
4 basic procedure?

5 A. Correct.

6 Q. When a drive comes in the door, does it
7 come by UPS?

8 A. Normally.

9 Q. It comes in a box?

10 A. Yes.

11 Q. Are they individually boxed or do they
12 come amongst other things in a box?

13 A. Usually individually.

14 Q. What do you do with them when you get
15 them?

16 A. Take them out of the box and put them in
17 storage.

18 Q. When you say in storage, is there a
19 particular room you keep them in?

20 A. Yes.

21 Q. So there is a store room?

22 A. It's storage cabinets in the Atlas area.

23 Q. And are these cabinets also padlocked?

24 A. Yes.

1 Q. So these are not the same electrical
2 cabinets for the drives that are running?

3 A. That's correct.

4 Q. ~~These are just storage cabinets?~~

5 A. That's correct.

6 Q. And you said you take them out of the box
7 and you put them on a shelf?

8 A. Yes.

9 Q. Do you make an inspection of the drive at
10 the time you unpack it?

11 A. No.

12 Q. Do you make any determination at the time
13 that the drive is received and unpackaged as to
14 what position the various switches are in?

15 A. No.

16 Q. And when you put it on the shelf in the
17 storage cabinet, I assume there is usually other
18 drives on the shelf?

19 A. Yes.

20 Q. You just put it on top of the one in front
21 of it, the one that was there before. Do you cycle
22 them in some way?

23 A. No. They just go on the same shelf. You
24 know, there are a number of shelves, and you put

1 drives?

2 A. Yes.

3 Q. Are you familiar with the model numbers?

4 A. ~~Only I know where they are on the boards,~~
5 yeah.

6 Q. Each of the boards has a model number
7 stamped on it?

8 A. That's correct.

9 Q. And does it also have a serial number?

10 A. Yes.

11 Q. And the model number would remain constant
12 from purchase to purchase, whereas the serial
13 number would change?

14 A. Yes.

15 Q. And no records are kept of the serial
16 numbers, correct?

17 A. No.

18 Q. And if I were to show you a purchase
19 requisition, you couldn't tell me where that
20 particular board went, correct?

21 A. No, I couldn't.

22 Q. What are the different purposes of the
23 different types of boards?

24 A. I couldn't answer that.

1 We have to look at the particular
2 serial numbers to see if those boards were
3 involved.

4 Q. ~~Do we know the serial number of the boards~~
5 that were in the machine on the date of Mr.
6 Pucillo's accident?

7 A. I don't.

8 Q. Who would have that information?

9 A. I don't know if we would have that.

10 Q. What happened to the boards that were in
11 the machine on the date of Mr. Pucillo's accident?

12 A. As far as I know, they were repaired or
13 they were left in the machine. I'm not sure. I
14 couldn't answer that.

15 Q. Do you know who would know that?

16 A. The technicians more than likely or Greg
17 Hagopian, the engineer.

18 Q. The Model No. SMNB 2590, do you know what
19 those boards are?

20 A. No. You'd have to ask technicians.

21 Q. And you indicated that some of the
22 Infranor drive boards have the daughter card and
23 some do not?

24 A. Correct.

1 Q. Were all four of these employees of Proma
2 Technologies at the time of the accident?

3 A. I don't recall. Ray -- I don't know.

4 MS. JOHNSON: Ray was here. Matt was
5 here, Dave.

6 THE WITNESS: I don't know if Phil was.

7 MS. JOHNSON: That's only two years
8 ago. Phil was here.

9 MR. SERENO: Proma would present Dave
10 Peavey as the lead of those by head and shoulders.

11 Q. Other than Atlas Valmet, did you send the
12 drives or the boards to any other facility for
13 repairs?

14 A. No.

15 Q. Did anyone else other than your
16 technicians work on those machines?

17 A. Just Valmet people.

18 Q. Do you know whether there was a service
19 contract with Atlas Valmet?

20 A. No. We don't have one.

21 Q. You had testified earlier that after the
22 initial purchase of the Atlas Slitter machine, at
23 some point afterwards you purchased spare drives?

24 A. Yes.